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TECHNOLOGY CENTER 2600

DECISION
ON PETITION

Paul T Dietz
Seagate Technology LLC
Intellectual Property Dept NRW097
7801 Computer Avenue South
Bloomington MN 55435

In re Application of:
Zine Eddine Boutaghou, et al.
Application No. 09/897,779
Filed: June 29, 2001
For: **BI-LEVEL CAVITY FOR A SLIDER AIR-
BEARING SURFACE**

This is a decision on the Petition For Withdrawal Holding of Abandonment, filed December 13, 2004 pursuant to 37 CFR 1.181. No fee is required.

The petition is Granted.

This application became abandoned for failure to timely file a response to the outstanding Office action mailed February 17, 2004. A Notice of Abandonment was mailed on December 1, 2004.

Petitioner alleges to have timely filed a reply on May 17, 2004. To support this position, Petitioner has included with the instant petition a copy of the response bearing a proper certificate of facsimile transmission with a transmission date of May 17, 2004. Also included with the petition is a copy of an Auto-Reply Facsimile Transmission indicating that an 8 page document from Petitioner was received in the U.S. Patent and Trademark Office on May 17, 2004.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:


- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Petitioner has met the requirements above. Accordingly, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of the response which accompanied the subject petition. From there, the file will be forwarded to the examiner for consideration in due course.

It is noted that the petitioner is merely acting in a representative capacity. The application record does not have any evidence granting power of attorney to the petitioner.

It is further noted that the facsimile transmission of May 17, 2004 was not to the Office's official fax number. For future reference, Applicants might want to note that all future facsimile transmissions to the Office should be to the Official Fax number for the entire Patent and Trademark Office (i.e., 703-872-9306).



Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications